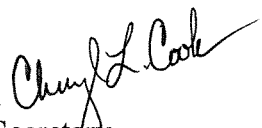




**United States Department of Agriculture  
Rural Development**

**MEMORANDUM**

September 15, 2009

FROM: Cheryl L. Cook   
Deputy Under Secretary  
USDA Rural Development

TO: All Rural Development Staff

SUBJECT: Updated Guidance Regarding Communications with Registered Lobbyists  
about Recovery Act Funds

The Office of Management and Budget (OMB) made a number of changes to the previous guidance on communications with registered lobbyists that makes it more focused on merits-based decision making. The restriction on oral communications about Recovery Act projects now applies from when an application is submitted until a grant/loan is made, regardless of who contacts the agency. Under this new guidance, all persons, not just federally registered lobbyists, are restricted from having conversations with Federal officials during that time period. It is important to note that agency officials may still seek out information they need about a proposed project, provided the official initiated the communication. Additionally, agency officials may have oral communications at any time, even after the submission of a formal application for a grant/loan, with (1) other Federal employees, (2) U.S. Members of Congress, and (3) elected chief executive of a state (Governor), local (Mayor) or tribal government, or the Presiding Officer or Majority Leader in each chamber of a state legislature.

Under both the previous and this updated guidance, anyone is free to communicate via writing or e-mail with agencies about Recovery Act projects at any time. All written communications received from a federally registered lobbyist (including e-mail) that concerns a pending project, application or applicant for Recovery Act funding must immediately be forwarded to Stacey Brayboy at: [Stacey.Brayboy@osec.usda.gov](mailto:Stacey.Brayboy@osec.usda.gov). This must be done immediately after you receive the communication. Written communications will be posted to the USDA Recovery Act Website within 3 business days of the communication.

1400 Independence Ave, S.W. • Washington, DC 20250-0700  
Web: <http://www.rurdev.usda.gov>

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights,  
1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (800) 795-3272 (Voice) or (202) 720-6382 (TDD).

## All Rural Development Staff

### Quick Reference:

1. Are you having a conversation that involves discussion of the Recovery Act?  
No – proceed with conversation. No documentation required.  
Yes – continue below.
2. Is there a federally registered lobbyist in room?  
No – proceed with conversation. No documentation required.  
Yes – continue below.
- 3 (a) Is it about general facts with no funding criteria or project specifics, etc.?  
Yes – document who (name of federally registered lobbyist), when, and one liner on substance and post on USDA Recovery Act Website.
- (b) Is it about specific application or project for funding?  
Yes – Tell them they must put forth the questions in writing. Conversation is over at that time. This guidance restricts oral conversation with all persons about Recovery Act projects from when an application is submitted until a grant/loan is awarded.

For purposes of this guidance, an application for financial assistance (grant/loan) is considered officially submitted when all documentation required by applicable agency regulations has been fully completed and submitted in a form acceptable to the agency for formal processing and decision-making. Moreover, to fulfill the spirit of the Recovery Act relative to transparency, the following Rural Development programs are subject to this guidance: Business and Industry Guaranteed Program; Broadband Initiative Program; Community Facilities Program; Rural Business Enterprise Grant Program; Single Family Housing Direct and Guaranteed Program; and the Water and Waste Program.

A Web tool is being developed by OMB to facilitate disclosure of lobbyist contacts concerning the Recovery Act, and the tool will be available shortly for Rural Development's use.

The updated guidance from OMB, which includes Frequently Asked Questions and the Registered Lobbyist Contact Disclosure Form, is available on the White House Website: [http://www.whitehouse.gov/omb/assets/memoranda\\_fy2009/m09-24.pdf](http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-24.pdf). If you have any questions concerning this guidance, please refer to the "Frequently Asked Questions" which provides specific examples, or phone Ms. Brayboy at (202) 720-1522.